

The logo for Dentons, featuring the word "DENTONS" in white capital letters inside a purple arrow-shaped box pointing to the right.

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June 3, 2014

By FedEx & E-Mail
URGENT

Robert Epp
Manager
Archer Mobility Products, LLC
PO Box 611
Holderness, NH 03245

Robert Epp
Manager
Archer Mobility Products, LLC
20 Circle Dr.
Holderness, NH 03245
rob@robepp.com

Re: Notice of Infringement of U.S. Pat. No. D442123
Our Ref. No. 70000814-0004

Dear :

This lawfirm represents Penco Medical, Inc. (Penco). Penco owns U.S. Pat. No. D442,123 titled Walker Glide with Retractable Keyed Plug (the '123 Patent) (copy attached as **Exhibit A**). The '123 Patent discloses and claims an ornamental design for a walker glide with retractable key plug.

It has come to our attention that Archer Mobility Products, LLC d/b/a "Top Glides" (Top Glides) appears to be using, selling, importing and/or offering to sell walker glides within the United States under the mark TOP GLIDES that infringe the '123 Patent. For example, we have provided printouts from Top Glides' website at www.topglides.net showing an exemplary "top selling" walker glide design which appears substantially identical to and within the scope of our client's '123 Patent (see **Exhibit B**).

Top Glides' aforementioned unauthorized activities violates our client's patent rights, which subjects Top Glides to claims for monetary damages and injunctive relief and other liabilities including attorney fees and treble damages for willful infringement, particularly in light of the fact that Penco has provided constructive notice of its rights at least through marking its own walker glides in accordance with 35 U.S.C. § 287.

In addition, we consider it likely that in offering for sale the walker glide designs shown in **Exhibit B**, you are passing off your glides as Penco products and therefore are in breach of the Lanham Act and similar state laws governing unfair competition. Resulting confusion amongst consumers is even more likely given that Top Glides apparently has until recently sold authorized Penco walker glides under the PENCO mark through the website at www.topglides.net. (See **Exhibit C**)

On Penco's behalf, we demand that you immediately cease and desist from any and all direct and indirect use, sale, or offers to sell within the U.S., or importation into the U.S. of infringing products, or other commercial activities which violate Penco's legal rights. Without limitation we demand that you immediately cease and desist from selling or offering for sale those walker glide products illustrated in Exhibit B and otherwise within the scope of the '123 Patent..

Without limitation, we further demand that you provide an accounting of damages to Penco and immediately disclose in writing the identities and locations of all third parties to which you have ever sold or distributed infringing product, and that you identify the numbers of infringing product you have ever sold or distributed. We require this information so that we can determine the amount of monetary damages to which it is entitled.

We must receive your written assurances of compliance with these demands no later than 5:00 p.m. CDT June 12, 2014. If we do not hear from you within this timeframe, Penco is prepared to take appropriate actions to further investigate this matter and protect its legal rights.

This letter shall not constitute a waiver of, or otherwise prejudice, any of Penco's legal rights, which are expressly reserved.

Sincerely,

Dentons US LLP



By:
Brian R. McGinley

cc: Penco Medical, Inc.